


I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 3, 2006 Signature: 
(Raymond Garguilo, Jr.)

1FW
Docket No.: SPINE 3.0-437
CIPCIPCIPCIPCIPCIPICIP
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


In re Patent Application of:
Zubok et al.

Application No.: 10/782,981

Filed: February 20, 2004

For: WEDGE RAMP DISTRATOR AND
RELATED METHODS FOR USE IN
IMPLANTING ARTIFICIAL
INTERVERTEBRAL DISCS

:
:
:
:
: Group Art Unit: 3738
:
: Examiner: PELLEGRINO,
BRIAN E.
:
:
:

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

This communication is a response to the Official Action mailed October 3, 2006, setting forth a Restriction Requirement in the above-identified application. In the Official Action, the Examiner requires election of one of the following distinct inventions under 35 USC § 121:

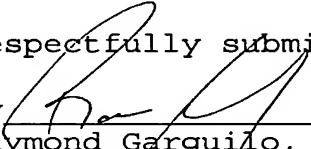
Invention I --	Claims 1-6, 9-16, drawn to a joint distraction tool;
Invention II --	Claims 7-8 drawn to a method of distracting intervertebral space; and
Invention III --	Claims 17-19, drawn to a system for spinal surgery.

In response to this Restriction Requirement, Applicants hereby elect Invention I, namely claims 1-6 and 9-16, drawn to a joint distraction tool for prosecution of the present application.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefore.

Dated: November 3, 2006

Respectfully submitted,

By 
Raymond Garguilo, Jr.
Registration No.: 50,930
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant